

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 29928 of 2024

Bibi Ashma Khatun

Versus

The State of West Bengal & Ors.

For the petitioner : Mr. Sakti Pada Jana
Ms. Sudipta Pramanik

For the State : Mr. Chandi Charan De
Mr. Jaladhi Das

Heard on : 23.12.2024

Judgment on : 23.12.2024

JAY SENGUPTA, J:

Affidavit of service filed by the petitioner in Court today is taken on record.

The husband of the petitioner was a secondary school teacher who retired from service on 31.07.2008 and subsequently died on 28.01.2011.

The State Government published the Government Order No.749-SE(L)/55-56/13 (Pt.V) on 13th June, 2014 pursuant to which the teachers had the option to join GPF scheme upon refund of the employer's share of provident fund.

As the husband of the petitioner passed away prior to the publication of the State Government Order, he could not avail the said benefit. The petitioner, being the widow, intends to avail of the benefit of the aforesaid Government Order.

The Court in similar circumstances permitted the widows of the deceased teacher to exercise option in terms of the aforesaid Government Order.

Reliance has been placed on the order dated 6th March, 2024 by a coordinate Bench in WPA 3480 of 2024 (Manjushri Mondal Vs. The State of West Bengal & Ors.).

Reliance has also been placed on the order passed by the Hon'ble Division Bench on 24th August, 2023 in FMA 620 of 2018 with IA No. CAN 1 of 2017 (Old No.CAN 7452 of 2017) (State of West Bengal Ors. Vs. Sefali Jana & Ors.).

In tune with the above decisions, the instant writ petition is disposed of by directing the concerned District Inspector of Schools (SE), Uttar Dinajpur to process the application filed by the petitioner as expeditiously as possible.

The amount of money that is to be refunded by the petitioner shall be calculated and communicated to the petitioner within a period of two weeks from the date of communication of this order.

Upon the petitioner complying all formalities including refund of deposit of employer's share of provident fund along with interest and additional interest, fresh Pension Payment Order shall be issued in her favour within a month thereafter.

The arrear of pension and family pension from the date of death of the employee shall be released to the petitioner within two months from the date of issuance of the Pension Payment Order.

Writ petition stands disposed.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J)